



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

**HB2469**

Introduced 2/19/2021, by Rep. Deanne M. Mazzochi

#### SYNOPSIS AS INTRODUCED:

New Act  
740 ILCS 110/4

from Ch. 91 1/2, par. 804

Creates the Suicide Prevention Act. Provides that for a person 18 years of age or older who is receiving or has received mental health services for an attempted suicide, the person's therapist shall identify a family member or other person who shall consult with the therapist every 30 days following a suicide attempt for the period of one year. Provides that the period may be extended by the therapist based on need. Provides that the therapist shall be responsible for consulting with the designated person about the progress of the person who is receiving mental health services toward restoration of mental health. Provides that except as otherwise prohibited by the federal Health Insurance Portability and Accountability Act of 1996, a therapist is not criminally or civilly liable for disclosing the recipient's therapy or for discussing the progress of the recipient toward mental health to a person designated under the Act. Defines various terms. Amends the Mental Health and Developmental Disabilities Confidentiality Act to make conforming changes.

LRB102 13266 RLC 18610 b

1 AN ACT concerning suicide prevention.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the  
5 Suicide Prevention Act.

6 Section 5. Definitions. In this Act:

7 "Attempted suicide" means any act done with the intent to  
8 commit suicide and that constitutes a substantial step toward  
9 commission of suicide.

10 "Mental health services" means planned individualized  
11 interventions intended to reduce or ameliorate mental illness  
12 or the effects of mental illness through care, treatment,  
13 counseling, rehabilitation, medical or psychiatric care, or  
14 other supports provided to individuals with mental illness for  
15 the purpose of enabling these individuals to increase their  
16 self-determination and independence, obtain remunerative  
17 employment, participate fully in all aspects of community  
18 life, advocate for themselves, and achieve their fullest  
19 potential to the greatest extent possible.

20 "Mental illness" means a mental, or emotional disorder  
21 that substantially impairs a person's thought, perception of  
22 reality, emotional process, judgment, behavior, or ability to  
23 cope with the ordinary demands of life, but does not include a

1 developmental disability, dementia or Alzheimer's disease  
2 absent psychosis, a substance use disorder, or an abnormality  
3 manifested only by repeated criminal or otherwise antisocial  
4 conduct.

5 "Physician", "psychiatrist", "clinical psychologist",  
6 "clinical professional counselor", and "clinical social  
7 worker" have the meanings ascribed to them in the Mental  
8 Health and Developmental Disabilities Code.

9 "Psychiatric nurse" means a registered nurse with a  
10 master's degree in psychiatric nursing who has 3 years of  
11 clinical training and experience in the evaluation and  
12 treatment of mental illness that has been acquired subsequent  
13 to any training and experience that constituted a part of the  
14 degree program.

15 "Recipient" means a person who is receiving or has  
16 received mental health services.

17 "Therapist" means a psychiatrist, physician, clinical  
18 psychologist, clinical social worker, psychiatric nurse,  
19 clinical professional counselor, or any other person providing  
20 mental health services or any other person not prohibited by  
21 law from providing those services or from holding himself or  
22 herself out as a therapist if the recipient reasonably  
23 believes that the person is permitted to do so. Therapist  
24 includes any successor of the therapist.

25 Section 10. Suicide prevention. For a person 18 years of

1 age or older who is receiving or has received mental health  
2 services for an attempted suicide, the person's therapist  
3 shall identify a family member or other person who shall  
4 consult with the therapist every 30 days following a suicide  
5 attempt for the period of one year. The period may be extended  
6 by the therapist based on need. The therapist shall be  
7 responsible for consulting with the designated person about  
8 the progress of the person who is receiving mental health  
9 services toward restoration of mental health.

10 Section 15. Immunity of therapist from criminal or civil  
11 liability. Except as otherwise prohibited by the federal  
12 Health Insurance Portability and Accountability Act of 1996, a  
13 therapist is not criminally or civilly liable for disclosing  
14 the recipient's therapy or for discussing the progress of the  
15 recipient toward mental health to a person designated under  
16 Section 10.

17 Section 105. The Mental Health and Developmental  
18 Disabilities Confidentiality Act is amended by changing  
19 Section 4 as follows:

20 (740 ILCS 110/4) (from Ch. 91 1/2, par. 804)

21 Sec. 4. (a) The following persons shall be entitled, upon  
22 request, to inspect and copy a recipient's record or any part  
23 thereof:

1           (1) the parent or guardian of a recipient who is under  
2           12 years of age;

3           (2) the recipient if he is 12 years of age or older;

4           (3) the parent or guardian of a recipient who is at  
5           least 12 but under 18 years, if the recipient is informed  
6           and does not object or if the therapist does not find that  
7           there are compelling reasons for denying the access. The  
8           parent or guardian who is denied access by either the  
9           recipient or the therapist may petition a court for access  
10          to the record. Nothing in this paragraph is intended to  
11          prohibit the parent or guardian of a recipient who is at  
12          least 12 but under 18 years from requesting and receiving  
13          the following information: current physical and mental  
14          condition, diagnosis, treatment needs, services provided,  
15          and services needed, including medication, if any;

16          (4) the guardian of a recipient who is 18 years or  
17          older;

18          (5) an attorney or guardian ad litem who represents a  
19          minor 12 years of age or older in any judicial or  
20          administrative proceeding, provided that the court or  
21          administrative hearing officer has entered an order  
22          granting the attorney this right;

23          (6) an agent appointed under a recipient's power of  
24          attorney for health care or for property, when the power  
25          of attorney authorizes the access;

26          (7) an attorney-in-fact appointed under the Mental

1 Health Treatment Preference Declaration Act; ~~or~~

2 (8) any person in whose care and custody the recipient  
3 has been placed pursuant to Section 3-811 of the Mental  
4 Health and Developmental Disabilities Code; or

5 (9) any person designated by a therapist under Section  
6 10 of the Suicide Prevention Act to be consulted on the  
7 progress of a recipient of mental health services who has  
8 attempted suicide.

9 (b) Assistance in interpreting the record may be provided  
10 without charge and shall be provided if the person inspecting  
11 the record is under 18 years of age. However, access may in no  
12 way be denied or limited if the person inspecting the record  
13 refuses the assistance. A reasonable fee may be charged for  
14 duplication of a record. However, when requested to do so in  
15 writing by any indigent recipient, the custodian of the  
16 records shall provide at no charge to the recipient, or to the  
17 Guardianship and Advocacy Commission, the agency designated by  
18 the Governor under Section 1 of the Protection and Advocacy  
19 for Persons with Developmental Disabilities Act or to any  
20 other not-for-profit agency whose primary purpose is to  
21 provide free legal services or advocacy for the indigent and  
22 who has received written authorization from the recipient  
23 under Section 5 of this Act to receive his records, one copy of  
24 any records in its possession whose disclosure is authorized  
25 under this Act.

26 (c) Any person entitled to access to a record under this

1 Section may submit a written statement concerning any disputed  
2 or new information, which statement shall be entered into the  
3 record. Whenever any disputed part of a record is disclosed,  
4 any submitted statement relating thereto shall accompany the  
5 disclosed part. Additionally, any person entitled to access  
6 may request modification of any part of the record which he  
7 believes is incorrect or misleading. If the request is  
8 refused, the person may seek a court order to compel  
9 modification.

10 (d) Whenever access or modification is requested, the  
11 request and any action taken thereon shall be noted in the  
12 recipient's record.

13 (Source: P.A. 99-143, eff. 7-27-15.)